

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RACHEL McCLUSKEY,

Defendant.

8:20CR271

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the United States of America's Motion for Preliminary Order of Forfeiture (Filing No. 56). The Court has carefully reviewed the record in this case and finds as follows:

1. On September 3, 2021, defendant Rachel McCluskey ("McCluskey") pleaded guilty to Count I of the Indictment (Filing No. 1) and admitted the Forfeiture Allegation of the Indictment. Count I charged defendant McCluskey with conspiracy to distribute and possess with intent to distribute 50 grams or more of methamphetamine (actual), in violation of 21 U.S.C. § 846.

2. The Forfeiture Allegation sought forfeiture, pursuant to 21 U.S.C. § 853 of certain property. That property includes \$5,010.00 in United States currency seized from 3634 S. 24th Street, Omaha, Nebraska, on or about July 16, 2020. The currency was seized because it was either used to facilitate the offenses charged in the Indictment or was derived from proceeds obtained from the commission of the offenses charged in the Indictment.

3. Based on McCluskey's guilty plea and admission, McCluskey forfeits her interest in the \$5,010.00 in United States currency and the government should be entitled to possession of the currency pursuant to 21 U.S.C. § 853.

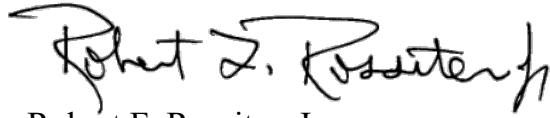
4. The government's Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 56) is granted.
2. Based upon the Forfeiture Allegation of the Indictment (Filing No. 1) and defendant's guilty plea and admission, the government is hereby authorized to seize the \$5,010.00 in United States currency.
3. McCluskey's interest in the \$5,010.00 in United States currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$5,010.00 in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than McCluskey having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$5,010.00 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$5,010.00 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$5,010.00 in United States currency as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 10th day of September 2021.

BY THE COURT:

A handwritten signature in black ink, reading "Robert F. Rossiter, Jr." with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge